IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

CRP.No. 726 of 2007()

AGAINST THE ORDER DATED 13/04/2007 IN IA.2053/2006 IN OS.718/1996 of PRL.SUB COURT,TRIVANDRUM

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REVN. PETITIONER: PLAINTIFF:

MIDAS PRE-CURED TREADS (P) LTD.,
BUILDING NO.184/11, INDUSTRIAL ESTATE,
ETTUMANOOR, KOTTAYAM DISTRICT,
REPRESENTED BY ITS DIRECTOR, JOHN K.ABRAHAM.

BY ADV. SRI.RAJIV ABRAHAM GEORGE
SRI.EAPEN ABRAHAM GEORGE

RESPONDENT: DEFENDANT:

THE KERALA STATE ROAD TRANSPORT CORPORATION, TRANSPORT BHAVAN, EAST FORT, TRIVANDRUM- 695 023 REPRESENTED BY ITS MANAGING DIRECTOR.

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 06/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A.NO.1958/2007 IN C.R.P.NO.726/2007

DISMISSED

6/08/2007 **SD/- M.N.KRISHNAN, JUDGE**

/TRUE COPY/

P.A.TO JUDGE

Kss

M.N.KRISHNAN, J.

C.R.P.No. 726 OF 2007

Dated this the 6th August, 2007.

O R D E R

This revision petition is preferred against the order of the Principal Subordinate Judge, Thiruvananthapuram in I.A.2053/06 in O.S.718/96. The plaintiff in the suit initiated action against the K.S.R.T.C and the suit was decreed ex parte and that it was set aside on two occasions even then the K.S.R.T.C did not pursue the matter properly and ultimately it resulted in passing of an ex parte decree thereafter also. The court below on examination of the materials available found that now steps are being taken to resurrect and put things in order. In a corporation like K.S.R.T.C it is alleged that the officer even apprehends collusion between the staff members and others at the initial stage and now is serious about correcting those mistakes. Lot of public money is involved in a corporation of this nature and when a well meaning officer wants to do things properly even if there is some delay and some sort of negligence it shall not be discouraged. This court has held that the broad principles of natural justice demands that an opportunity must be given to dispose of the case on merits unless there is something amounting to gross negligence or grave

misconduct. It is also stated that if some steps are taken and some evidence is adduced in order to put the things straight the court should view it liberally. This is what has been precisely done by the court below in this case and I find no illegality or irregularity which requires interference at the hands of this Court. Therefore C.R.P is dismissed. But I direct the court below to bestow its best attention to dispose of the matter as expeditiously as possible so that the plaintiff also will have a result in the case and it need not be unnecessarily protracted.

M.N.KRISHNAN
Judge

jj